

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0935
Proposed development:	Subdivision of Lot 3997 in DP 1179646 in 5 stages Creating a Total of 244 Residential Lots, 2 Open Space Lots and 4 Lots for Future Integrated Housing Developments and Associated Road Construction, Drainage, Earthworks and Landscaping Works. Stage 5A - creation of 15 residential lots and 2 residue lots Stage 5B - creation of 38 residential lots and 1 residue lot and construction of part roads Stage 5C - creation of 78 residential lots, 1 open space lot and 1 residue lot and construction of part roads Stage 5D - creation of 113 residential lots and construction of part roads Stage 5E creation of 1 open space lot and 4 superlots for future integrated housing developments
Property address:	3997 Greenwood Parkway, JORDAN SPRINGS NSW 2747
Property description:	Lot 3997 DP 1179646
Date received:	29 July 2014
Assessing officer	Aimee Lee
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the subdivision of Lot 3997 in DP 1179646 in five (5) stages creating 244 residential lots, 2 open space lots and 4 superlots for future Integrated Housing developments, construction of roads and associated street tree planting, earthworks, provision of infrastructure and associated tree removal in the Western Precinct of Jordan Springs.

The land is zoned 'Urban' under the provisions of the Sydney Regional Environmental Planning Policy No.30 – St Marys (SREP 30). Subdivision is permitted with consent pursuant to Clause 45 of SREP 30. Roads and drains are permitted in Urban zone.

Under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979 the proposal is classified as Integrated Development and requires development consent of Rural Fire Service under the Rural Fires Act, 1997 and Office of Water under the Water Management Act 2000.

The Development Application was therefore referred to NSW Rural Fire Service (RFS) and NSW Office of Water in July 2014. RFS raised no objection to the proposal and issued a Bush Fire Safety Authority on 5 September 2014. The Office of Water issued their General Terms of Approval on 29 August 2014.

In accordance with Clause 44 of Sydney Regional Environmental Plan No. 30 – St Marys, National Parks and Wildlife Services (NPWS) was also consulted. NPWS raised no objection to the proposal subject to appropriate environmental assessment and consultation with NPWS prior to works commencing.

The matter was also referred to Roads and Maritime Services (RMS) under State Environmental Planning Policy (Infrastructure) 200. RMS confirmed in a letter dated 26 September 2014 that they raised no objection to the proposed subdivision.

In response to Council's letter dated 18 September 2014, the applicant submitted additional information in October 2014 and the information has satisfactorily addressed all the issues raised in Council's letter.

This application was advertised, exhibited and notified from 11 August to 10 September 2014. Council has not received any submissions.

A Species Impact Statement (SIS) is submitted with the Development Application. The SIS concluded that the *"clearance of relatively small areas of natural and semi-natural vegetation is considered to be of minor consequence and the proposal is unlikely to result in any threatened species or ecological community becoming extinct."*

The application has been assessed with respect to the *Threatened Species Conservation Act, 1995 (TSC Act)*, *Environmental Planning and Assessment Act, 1979 (EP&A Act)* and the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*. Having regard to the relevant statutory provisions, it is recommended that this application be approved subject to conditions.

Background

The applicant attended a pre-lodgement meeting on May 2014 for this proposed subdivision. Issues raised in the pre-lodgement meeting included lot layout, bushfire and traffic. These issues have been addressed and form part of the Statement of Environmental Effects.

Site & Surrounds

The development site is identified as Lot 3997 in DP 1179646. It is situated to the south-eastern portion of the Western Precinct bounded by the future Regional Park to the north and east, future residential developments (Stage 3C1 and 3C2) to the west and future residential developments (Village 4) to the south.

The site has a total area of 22.22 hectares. The site falls from the northwest to the southeast. The site contains predominantly derived native grasslands (regenerating Cumberland Plain Woodland (CPW)) and patches of mature and regenerating CPW. There are also minor communities of River-flat Eucalyptus Forest (RFEF), Regenerating River-flat Eucalyptus Forest, and Freshwater Wetlands. The site is also identified as bush fire prone land under Council's Bush Fire Prone Land Map.

Proposal

The proposed development involves:

Subdivision of Lot 3997 in DP 1179646 in 5 stages creating a total of 244 residential Lots, 2 open space lots and 4 lots for future Integrated Housing developments, earthworks, associated road construction, provision of infrastructure and landscaping works.

Details of the staged subdivision are outlined below:

- Stage 5A - creation of 15 residential lots and 2 residue lots
- Stage 5B - creation of 38 residential lots and 1 residue lot and construction of part roads
- Stage 5C - creation of 78 residential lots, 1 open space lot and 1 residue lot and construction of part roads
- Stage 5D - creation of 113 residential lots and construction of part roads
- Stage 5E creation of 2 open space lots and 4 superlots for future integrated housing developments

Three (3) lots have been identified on the Building Envelope Plan as potential dual occupancy lots (Lot 50011 lot in Stage 5a and Lot 5242 and Lot 5209 in Stage 5d).

Plans that apply

- Development Control Plan 2006
- Western Precinct
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

• Section 5A - Threatened Species assessment

The development has been assessed in accordance with the matters for consideration under Section 5A (Significant effect on threatened species, populations or ecological communities, or their habitats) of the Environmental Planning and Assessment Act 1979 and the following points are made:

A Species Impact Statement (SIS) is submitted with the application. The SIS noted the following:

- The proposal will remove existing vegetation on the site which include low diversity Derived Native Grassland, regenerating and mature Cumberland Plain Woodland (CPW) and River-flat Eucalypt Forest (RFEF).

- This area of habitat is degraded and of a lesser importance due to the level of disturbance, sparse nature and its comparatively small in size.
- The proposed subdivision is unlikely to have a significant impact on CPW.
- The remnants in the adjoining Regional Park will be protected and enhanced through a range of mitigation measures. This will balance the impact of the proposal.
- The proposal is unlikely to result in any threatened species or ecological community becoming extinct.

Pursuant to Section 5A of the EP&A Act, Council, as the consent authority, must also take into account whether the proposed development is consistent with the objectives or actions of the Cumberland Plain Recovery Plan (CPRP) in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. The following is an assessment of the proposal against the relevant objectives and actions of the CPRP.

Cumberland Plain Recovery Plan (CPRP)

The CPRP was approved by the Minister for Climate Change and the Environment in January 2011 under Part 4 of the *Threatened Species Conservation Act 1995* Act and gazetted on 18 February 2011.

The following is an assessment of the proposal against the relevant objectives and actions of the CPRP:

Objectives	Comments
1. To build a protected area network, compromising public and private lands, focused on the priority conservation lands.	Complies. The proposed Wianamatta Regional Park has been designated as priority conservation lands.
2. To deliver best practice management for threatened species, populations and ecological communities across the Cumberland Plain, with a specific focus on the priority conservation lands and public lands where the primary management objectives are compatible with conservation	Complies. The proposed Wianamatta Regional Park has been designated as priority conservation lands.
3. To develop an understanding and enhanced awareness in the community of the Cumberland Plain's threatened biodiversity, the best practice standards for its management, and the recovery program	Complies. The community awareness of the Cumberland Plain's threatened biodiversity is enhanced through the creation of the Regional Park.
4. To increase knowledge of the threats to the survival of the Cumberland Plain's threatened species, populations and ecological communities, and thereby improve capacity to manage these in a strategic and effective manner.	Complies. The Regional Park allows for the continued increase of knowledge of threats to the threatened biodiversity of the Cumberland Plain.

The CPRP identifies Priority Conservation Lands (PCLs) and they are situated in the vicinity of the Regional Park and the Deerubbin lands to the north. According to the Recovery Plan, the PCLs represent the best remaining opportunities in the region to maximise long-term biodiversity benefits for the lowest possible cost, including the least likelihood of restricting land supply. The alignment of the proposed haulage road has not been identified as PCLs and therefore the proposal is consistent with the recovery Plan.

In addition, the following table provides a summary of the general recovery actions that are linked to Penrith City Council and a comment on how each action relates to the current proposal.

Recovery Action	Comment
Action 1.4 Local councils will have regard to the priority conservation lands in identifying areas for inclusion in environment protection and regional open space zones.	This has been achieved through the making of SREP 30 by the Minister for Planning and the reservation of the proposed Regional Park which has been identified in the CPRP as priority conservation lands.

Recovery Action	Comment
Action 2.2 Support and promote the adoption of best practice standards for bushland management and restoration (as specified in Appendix No. 2) on public and private lands within the Cumberland Plain	Several management plans including Weed Management Plan, Feral and Domestic Animal Management Strategy, Bushfire Hazard Reduction Plan, Landscape Management Plan and A Plan of Management for Eastern Grey Kangaroos, Red Kangaroos and Emus were prepared as part of the Precinct Plans and adopted by Council in March 2009 and December 2006.
Action 2.5 Local government will manage to best practice standards (as specified in Appendix No. 2) any lands which are under their ownership or for which they have care, control and management, which: · contain any of the threatened biodiversity listed in Table 1 · are located within the priority conservation lands or, if located outside these lands, have conservation as a primary management objective.	Penrith City Council does not own and at this stage will not be acquiring any land that is affected by the proposed development which warrants control and management practices to be implemented.
Action 3.4 Work collaboratively with local government authorities and other organisations to inform communities about the value and role of remnant vegetation on the Cumberland Plain, the best practice standards for its management, and any opportunities to participate in the recovery program.	Council has adopted a Biodiversity Action Plan that includes education and community involvement programs. It should be noted that this action is not directly related to the determination of this development application.
Action 3.5 Work with Aboriginal communities, landowners, community groups, and students to deliver best practice management in the priority conservation lands, and to identify other opportunities for involvement in the recovery program.	See comments to Action 3.4 above
Action 3.7 Develop interpretive programs for key local reserves that contain examples of the threatened biodiversity addressed in the recovery plan.	See comments to Action 3.4 above
Action 4.3 DECCW will encourage local councils to prepare or review biodiversity strategies to be consistent with the recovery plan that guide protection, management and strategic investment in threatened biodiversity, both within and outside of the priority conservation lands.	See comments to Action 3.4 above
Action 4.4 DECCW will work collaboratively with local councils to enhance the compliance and enforcement program with regard to the unauthorised clearing of bushland on the Cumberland Plain	See comments to Action 3.4 above

Council's Senior Biodiversity Officer raised no objection to the proposal subject to conditions.

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 91- Integrated development**

Section 91 of the EP&A Act outlines the types of developments deemed to be defined as “Integrated Development”. As this development requires development consent from the NSW Rural Fire Service and RMS in accordance with this section of the Act, the following comments are provided:

(a) *NSW Rural Fires Services (RFS)*

According to Section 91 of the EP&A Act, the proposed subdivision is an integrated development as it requires authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety for the subdivision of land that could lawfully be used for residential or rural residential purposes, or development of land for special fire protection purposes.

RFS issued a Bush Fire Safety Authority on 5 September 2014 raising no objection to the proposal subject to conditions. The recommended conditions will be imposed in the consent accordingly.

(b) *NSW Office of Water*

Office of Water issued their General Terms of Approval on 29 August 2014 and advised that the applicant shall apply to the Office of Water for a Controlled Activity Approval prior to commencement of works or activity on waterfront land.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The following documents are submitted with this application;-

- Stormwater Layout Plan
- Soil and Water Management Plan
- Stormwater Management Strategy

Council's Development Engineer had reviewed the matter and raised no objection to the development proposal. Conditions in relation to all aspects of the proposed civil engineering works, including stormwater quality and quantity matters have been recommended.

Subject to compliance with the recommended conditions, the development proposal would have minimal impact on the Hawkesbury-Nepean River system and would comply with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and relevant strategies set out in Clause 6.

Sydney Regional Environmental Plan No.30 - St Marys

SREP 30 provides a framework for the sustainable development and management of the entire St Marys site. The key aspects of the SREP30 are outlined in the section below:

Permissibility

The subject development site is zoned Urban under SREP 30. Roads and drains are permitted in the zone pursuant to Clause 40(2) of the plan. The proposed subdivision is permissible only with consent in accordance with Clause 45.

Aims of the Plan

The pattern and allotment size of the proposed subdivision are prepared to maximise solar access and enhance stormwater drainage will promote sustainability and increase housing choice. The proposed road

system prepared in accordance with the Development Control Strategy will promote a walkable neighbourhood with a road pattern that will facilitate pedestrian and cyclist activities, use of public transport and thereby improving accessibility to employment, services and public open space in the locality. In this case, the applicant has demonstrated the following aims of the SREP can be achieved:

- facilitate urban development
- promote desirable environmental, social and economic outcomes
- provide recreation facilities that meet the local needs
- integrate with surrounding areas

Objectives of the Urban Zone

The proposed road network including footpaths and street tree planting and provision of stormwater infrastructure and utility services have demonstrated that the following zone objectives can be achieved:

- facilitate works that are primarily used for residential purposes
- minimise negative impacts on biodiversity and conservation within the adjoining Regional Park zone.

Clause 20 - Development consent restrictions

In accordance with Clause 20, this application is assessed against the performance objectives and zone objectives of SREP 30, the Planning Agreement, Western Precinct Plan (WPP) and Development Control Strategy (DCS). The applicant has demonstrated that the proposal is compliant with the performance objectives as outlined in Part 5 of the SREP as discussed in this report.

Clause 28 Watercycle

The application is supported by a Soil and Water Management Plan and a Stormwater Management Strategy. Council's Environment Team and Engineering Services Department reviewed documents and raised no objection to the proposal. Appropriate conditions have been recommended to be imposed in the consent.

In view of the above, it is considered that the applicant has demonstrated compliance with the requirements of the clause particularly in relation to:

- (a) Installation and maintenance of an effective erosion and sediment control measures prior to and during construction to minimise any impacts on the water quality.
- (b) incorporation of stormwater management measures to minimise any adverse impact upon the water quality in South Creek and Hawkesbury-Nepean catchments.
- (c) Implementation of appropriate measures to ensure there is no significant increase in the water table level and thereby minimise any adverse salinity impacts.
- (d) Collect gross pollutants at or close to their source or at all stormwater outlets, to minimise any increase in sediment/litter entering the creeks.

Clause 30 Transport

The proposed subdivision with a dwelling density of 17.76 dwellings per hectare supported by a grid pattern system is compliant with the 15 dwellings per hectare requirement of subclause 6 and is designed in accordance with the requirements of the WPP. The proposed road network will provide an effective link with the existing road system within the Precinct and further onto The Northern Road.

As part of this application, the applicant has also submitted a Bus Route and Bus Stop Plan. This plan has identified the nearest possible bus route on Greenwood Parkway to the west and Lakeside Parade to the south. Two (2) possible bus stops are located at the corner of proposed Road No. 1 and Greenwood

Parkway and at the corner of Lakeside Parade and Greenwood Parkway. These bus stops are located within a 200m radius walking distance of the majority of Village 5.

It is considered that the dwelling density, the proposed bus route and bus stop have satisfactorily demonstrated that the proposed subdivision is capable of supporting an effective public transport system within the Western Precinct and has made provision for an alternate form of transport and accessibility to services and facilities.

In view of the above, it is satisfied that the following requirements of the clause can be achieved:-

- (a) create an effective public transport link to the dominant centres and major transport nodes in the Blacktown City and Penrith City local government areas.
- (b) facilitate the provision of public transport within the Precinct.
- (c) maximise accessibility to services and facilities for people who do not have access to a private car.
- (d) provide an effective road system that links with the surrounding road network and cater for the traffic to be generated by the development.
- (e) provide an urban form with a dwelling density of 15 dwellings per hectare to maximise the potential for public transport, walking and cycling to replace car travel.

Clause 33 Housing

The applicant seeks variation to the allotment mix. This issue will be addressed below under the relevant heading of Development Control Strategy.

Clause 34 Energy efficiency

The proposed subdivision pattern will maximise solar access the living areas of the future dwellings and their principal outdoor recreation area. The proposed bus route offers alternate form of transport and reduce reliance on car travel will also promote energy efficiency and reduce ecological footprint.

Clause 35 Waste management

A Waste Management Plan (WMP) is submitted with the application. The WMP identifies the volume of waste to be generated by the proposal and the means for re-use and recycling.

Clause 44 - Consultation with National Parks and Wildlife Service (NPWS)

In accordance with Clause 44(2) of the SREP, this application was referred to NPWS who raised no objection to the proposal subject to appropriate environmental assessment and consultation with NPWS prior to works commencing. This requirement will be conditioned accordingly.

Clause 51 - Salinity and highly erodible soils

A Salinity Review was prepared by Geotech Testing Pty Ltd dated 8 March 2010 was submitted and endorsed with previous applications. The review concluded that the moderately saline conditions of the site are typical of the area in general. The review recommended the following:

- Implement salinity, erosion and sediment management strategy overview prepared by SKM dated 31 May 2000.
- Batter all exposed embankments and seeded to produce a vegetation cover.
- Groundwater extracted from the underlying deep aquifer shall not be introduced to the surface or mix with surface waters.
- Cover exposed moderately saline soils with non-saline material.
- Carry out additional salinity testing
- Implement the recommendations in the SKM report for the re-use of excavated materials
- Implement the Building Code of Australia provisions and DIPNR Bulletin "Building in Saline

Environment”.

- Submit a salinity report and validation certificate for approval prior to fill importation.

A condition is recommended to ensure implementation of the above recommendations.

Clause 52 Tree preservation

This application requires removal of existing vegetation from the site. The associated impact is addressed in the SIS submitted as part of this application. While no objection is raised to the proposal particularly from a biodiversity point of view, it is recommended that pre-clearance surveys are to be undertaken due to the fact that surveys have not been conducted since 2012. Furthermore, the Species Impact Statement noted that it is likely that some threatened flora and fauna species are present on the site but assessments of Significance were not conducted. The pre-clearance survey will ensure that any impact would not be significant.

Conditions are also recommended for the implementation of appropriate tree protection measures to mitigate the likely impacts on flora or fauna to be retained as part of this application. The proposal to use *Corymbia citrodora* (Lemon-scented Gum) in the Bushland Interface area is considered inappropriate. A condition is recommended for its replacement with locally native species from the Approved Tree List.

Clause 53 Items of environmental heritage

Seven (7) salvage areas have been identified in the Aboriginal Heritage Report for the Western Precinct for sub-surface investigation and WP6 is located within Village 5. Permits allowing testing and salvage excavations had been issued.. Salvage works in WP6 was completed and satisfied the requirements of the AHIP. No further archaeological investigations on the site are required.

There are four (4) heritage items located with the Western Precinct but none of the four items are located within or in the vicinity of Village 5.

Clause 57 Access

The site's main access is off Greenwood Parkway which is connected to The Northern Road to the northwest where a signalised intersection is provided. Alternatively future residents can access The Northern Road via Lakeside Parade and Jordan Springs Boulevard.

Clause 60 Services

Standard condition for obtaining a S73 Certificate from Sydney Water and documentary evidence from energy and telecommunication service providers will be imposed in the consent to ensure appropriate arrangements have been made for the supply of water, sewerage, drainage and underground power to support the development.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	
Chapter 2.8 - Significant trees and gardens	Complies
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies

Western Precinct

Provision	Compliance
Western Precinct Plan	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

The St Marys Penrith Planning Agreement 2006 sets out traffic and transport contributions relating to the development of the Western Precinct. The Planning Agreement was updated in 2009 to include community services, open space and stormwater infrastructure contributions resulting from the development of the Western Precinct. A standard condition is recommended reinforcing Lend Lease's obligations under this Development Agreement.

Section 79C(1)(b)The likely impacts of the development

Context and Setting

The lot size and configuration of the proposed subdivision has demonstrated compliance with Table 4 Residential Development Controls of Part 5 of the Development Control Strategy and thereby the Framework Plan and Environmental Management Strategies of WPP in relation to:

- (a) subdivision layout principles
- (b) dwelling density
- (c) access and movement
- (d) conservation of natural values
- (e) bushfire measures

Noise and Vibration

A Traffic Noise Impact Assessment prepared by SKM dated 19 July 2011 which forms part of Development Consents No. 11/0511 and 11/0512 is submitted with this application. This report concluded that incorporation of appropriate acoustic treatments into the design of the future dwellings particularly the most affected properties adjacent to The Northern Road would achieve the night time internal noise goals as outlined in the *Development Near Rail Corridors and Busy Road – Interim Guidelines (DoP, 2008)*. A further letter issued by SKM dated 28 May 2013 also accompanies the current application confirming the requirements of this report.

Proposed Stage 3C3 are separated from The Northern Road and would not be affected by the traffic noise along The Northern Road. Nevertheless, standard conditions have been recommended restricting the working hours so as to maintain the amenity of the surrounding developments.

Natural Hazards

The site is not subject to flood affectation. Issues related to bushfire attacks have been addressed earlier in the report. In regards to contamination, the St Marys Precinct has been subject to extensive investigation and remediation to ensure the land is suitable for the development. A Site Audit Statement specific to the development has been issued CHK001/1. A special condition is recommended to ensure the development will be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

Site Design

The applicant has demonstrated that the proposed subdivision and road layout will satisfy the aims and objectives identified in the Framework Plan and Environmental Management Strategies of the Precinct Plan in relation to :-

- subdivision layout
- dwelling density
- access and movement
- bushfire measures
- water cycle/drainage management.

Social and Economic

The development of land zoned urban for residential purposes provides for a variety of housing choice within Penrith. This will be supported by other land uses, facilities and infrastructure such as employment, education and community services, public transport as well as parks and open spaces. The proposal will provide socio- economic benefits to the locality.

Section 79C(1)(c)The suitability of the site for the development

The site is suitable for the proposed development for the following reasons:

- The site is zoned to accommodate the proposed development in accordance with SREP 30.
- The site is adequately serviced by roads, utility services and stormwater infrastructure.
- The proposal is consistent with the St Marys Western Precinct Plan and Development Control Strategy.
- The SIS has concluded that proposal is unlikely to result in any threatened species or ecological community becoming extinct.

Section 79C(1)(d) Any Submissions

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Traffic Engineer	
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	Not supported

Section 79C(1)(e)The public interest

The proposed development is consistent with the objectives of the EP&A Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

Conclusion

1. The above assessment has demonstrated that the proposal has met the relevant provisions of the following legislations:
 - a. *Environmental Planning and Assessment Act 1979*
 - b. *Threatened Species Conservation Act 1995*
 - c. *Environmental Planning and Assessment Regulation 2000*
2. The proposed subdivision is consistent with the desired future character, design and function as identified in SREP 30, WPP and DCS.
3. The findings of the SIS have demonstrated that the proposal is unlikely to have a 'significant effect' on threatened species and ecological communities.
4. The site is suitable for the proposal and the development being in the public interest.

In view of the above assessment, it is recommended that this application be approved under Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979.

Recommendation

1. That DA14/0935 for the subdivision of Lot 3997 in DP 1179646 in 5 stages Creating a Total of 244 Residential Lots, 1 Open Space Lot and 4 Lots for Future Integrated Housing Developments and Associated Road Construction, Drainage, Earthworks and Landscaping Works including:

Stage 5A - creation of 15 residential lots and 2 residue lots

Stage 5B - creation of 38 residential lots and 1 residue lot and construction of part roads

Stage 5C - creation of 78 residential lots, 1 open space lot and 1 residue lot and construction of part roads

Stage 5D - creation of 113 residential lots and construction of part roads

Stage 5E creation of 1 open space lot and 4 superlots for future integrated housing developments

at Lot 3997 in DP 1179646, Lot 3997 Greenwood Parkway be approved subject to the attached conditions
(Development Assessment Report Part B)

General

1 A001

The development must be implemented and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan No.	Prepared By	Date
Village 5 – Proposed Subdivision of Lot 3997 in DP 1179646	D646-S5-P01M.dwg Issue M Sheet 1 of 8	RPS	27.11.2014
Stage 5A – PPNDP1199731 (A Subdivision of Lot 3997 in DP 1179646)	D646-S5-P01M.dwg Issue M Sheet 2 of 8	RPS	27.11.2014
Stage 5B – PPNDP1199731 Plan of Subdivision of Lot 5016 in PPNDP1199731 (A Subdivision of Lot 3997 in DP 1179646)	D646-S5-P01M.dwg Issue M Sheet 3 of 8	RPS	27.11.2014
Stage 5C – PPNDP1199873 – Page 1/2 Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP 11799731)	D646-S5-P01M.dwg Issue M Sheet 4 of 8	RPS	27.11.2014
Stage 5C – PPNDP1199873 – Page 2/2 Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP 11799731)	D646-S5-P01M.dwg Issue M Sheet 5 of 8	RPS	27.11.2014
Stage 5D – PPNDP1199874 – Page 1/2 Plan of Subdivision of Lot 5054 in PPNDP1199873 (A Subdivision of Lot 5054 in PPNDP 1199872)	D646-S5-P01M.dwg Issue M Sheet 6 of 8	RPS	27.11.2014
Stage 5D – PPNDP1199874 – Page 2/2 Plan of Subdivision of Lot 5133 in PPNDP1199873 (A Subdivision of Lot 5054 in PPNDP 1199872)	D646-S5-P01M.dwg Issue M Sheet 7 of 8	RPS	27.11.2014
Stage 5E – PPNDP1201223 – Page 1/1 Plan of Subdivision of Lot 5000 in PPNDP1199731 (A Subdivision of Lot 3997 in PPNDP 1179646)	D646-S5-P01M.dwg Issue M Sheet 8 of 8	RPS	27.11.2014
Location Plan	WP V5 Loc Issue D	Lend Lease	08.10.14
Village 5 DA Concept Plan	WP V5 and WP Concept Issue D	Lend Lease	08.10.14

Village 5DA Staging Plan	WP V5 Stg Issue G	Lend Lease	08.10.14
Village 5a DA Building Envelope Plans Sheet 1 of 5 Issue D	WP V5 BEP Sheet 1 of 5 Issue D	Lend Lease	08.10.14
Village 5b DA Building Envelope Plans Sheet 2 of 5 Issue D	WP V5 BEP Sheet 2 of 5 Issue D	Lend Lease	08.10.14
Village 5c DA Building Envelope Plans Sheet 3 of 5 Issue D	WP V5 BEP Sheet 3 of 5 Issue D	Lend Lease	08.10.14
Village 5d DA Building Envelope Plans Sheet 4 of 5 Issue D	WP V5 BEP Sheet 4 of 5 Issue D	Lend Lease	08.10.14
Village 5e DA Building Envelope Plans Sheet 5 of 5 Issue D	WP V5 BEP Sheet 5 of 5 Issue D	Lend Lease	08.10.14
Village 5 DA Bus Route & Bus Stop Plan Issue D	WP V5 BusStop Issue D	Lend Lease	08.10.14
Dwelling Typology Plan	WP V5 DTP Issue D	Lend Lease	08.10.14
Village 5a DA Existing Conditions Plan Sheet 1 of 5	WP V5 EC Sheet 1 of 5 Issue D	Lend Lease	08.10.14
Village 5b DA Existing Conditions Plan Sheet 2 of 5	WP V5 EC Sheet 2 of 5 Issue D	Lend Lease	08.10.14
Village 5c DA Existing Conditions Plan Sheet 3 of 5	WP V5 EC Sheet 3 of 5 Issue D	Lend Lease	08.10.14
Village 5d DA Existing Conditions Plan Sheet 4 of 5	WP V5 EC Sheet 4 of 5 Issue D	Lend Lease	08.10.14
Village 5e DA Existing Conditions Plan Sheet 5 of 5	WP V5 EC Sheet 5 of 5 Issue D	Lend Lease	08.10.14
Lot Type Plan	WP V5 LT Issue D	Lend Lease	08.10.14
Pedestrian Cycle Plan	WP V5 PedCycle Issue D	Lend Lease	08.10.14
Street Hierarchy Plan	WP V5 St Hierarchy Issue D	Lend Lease	08.10.14
Village 5a DA Street Tree Plan Sheet 1 of 5	WP V5 STP Sheet 1 of 5 Issue D	Lend Lease	08.10.14
Village 5b DA Street Tree Plan Sheet 2 of 5	WP V5 STP Sheet 2 of 5 Issue D	Lend Lease	08.10.14

Village 5c DA Street Tree Plan Sheet 3 of 5	WP V5 STP Sheet 3 of 5 Issue D	Lend Lease	08.10.14
Village 5d DA Street Tree Plan Sheet 4 of 5	WP V5 STP Sheet 4 of 5 Issue D	Lend Lease	08.10.14
Village 5e DA Street Tree Plan Sheet 5 of 5	WP V5 STP Sheet 5 of 5 Issue D	Lend Lease	08.10.14
Village 5a DA Tree Plan Sheet 1 of 5	WP V5 TRP Sheet 1 of 5 Issue D	Lend Lease	08.10.14
Village 5b DA Tree Plan Sheet 2 of 5	WP V5 TRP Sheet 2 of 5 Issue D	Lend Lease	08.10.14
Village 5c DA Tree Plan Sheet 3 of 5	WP V5 TRP Sheet 3 of 5 Issue D	Lend Lease	08.10.14
Village 5d DA Tree Plan Sheet 4 of 5	WP V5 TRP Sheet 4 of 5 Issue D	Lend Lease	08.10.14
Village 5e DA Tree Plan Sheet 5 of 5	WP V5 TRP Sheet 5 of 5 Issue D	Lend Lease	08.10.14
Locality Sketch	9343/03DA01 Issue F	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Typical Road Cross Sections and Catch Drain Sections	9343/03DA02 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Layout Plan	9343/03DA03 Issue F	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Stormwater Layout Plan	9343/03DA04 Issue F	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Cut/Fill Plan and Tree Removal	9343/03DA05 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 1	9343/03DA06 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 1 & 2	9343/03DA07 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 3 & 4	9343/03DA08 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 5 & 6	9343/03DA09 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 7 & 8	9343/03DA10 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Site Section 1	9343/03DA11 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Site Section 1	9343/03DA12 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 GPT Access Plan	9343/03DA13 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Soil & Water Management Plan	9343/03DA14 Issue E	J. Wyndham Prince	02/10/14

Jordan Springs Village 5 Box Culvert Sections and Inlet Detail	9343/03DA15 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Vehicle Manoeuvring Plan	9343/03DA16 Issue E	J. Wyndham Prince	02/10/14
Stormwater Management Strategy	Ref:9343-03 Village 5 SWMS 071014	J. Wyndham Prince	October 2014
Species Impact Statement	Report No. 8143RP23	Cumberland Ecology	19 May 2014
Aboriginal Heritage Report	11-8116aal1	GML Heritage & Jo McDonald CHM	23 April 2014
Bushfire Protection Assessment Proposed Subdivision Jordan Springs Village 2	09SUTBUS-0001	Eco Logical	19 June 2014
Salinity Review	7508/23-AA Final Revised	Geotech Pty Ltd	8 March 2010
Traffic Impact Assessment	Ref : 12S1267302 Issue A	GTA Consultants	25/06/14
Waste Management Plan		Lend Lease	22/08/2014
Construction Traffic Management Plan	Ref : 12S1267311 Issue A	GTA Consultants	25/06/14

2 [A005 - APPROVED BODY'S CONSENT \(FOR INTEGRATED DAS\)](#)

A copy of the General Terms of Approval (ref 10 ERM2014/0710) dated 29 August 2014 issued by the NSW Office of Water under the Water Management Act 2000 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

3 [A044 - Compliance with NSW Rural Fire Service conditions of consent](#)

The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety Authority (ref D14/2251 DA14080693255 CC) date 5 September 2014 for the said development are to be completed prior to the issue of a Subdivision Certificate.

4 [A Special \(BLANK\)](#)

The applicant must apply to the NSW Office of Water for a Controlled Activity Approval prior to commencement of any works or activities on waterfront land. Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Penrith City Council.

5 [A Special \(BLANK\)](#)

The soil salinity management measures outlined within the Western Precinct Plan and the measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.

6 [A Special \(BLANK\)](#)

All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy and relevant Australian Standards and requirements.

7 [A Special \(BLANK\)](#)

The applicant shall implement and observe the recommendations of the Bushfire Protection Assessment Project Number 09SUTBUS-0001 Version 1 prepared by Eco Logical Australia Pty Ltd dated 19 June 2014 at all times.

8 [A Special \(BLANK\)](#)

The applicant must comply with the conditions imposed in the Bush Fire Safety Authority issued by NSW Rural Fire Service (ref D14/2251 DA14080693255 CC) dated 5 September 2014 and they are outlined below:

(a) The development proposal is to comply with the subdivision layout identified in the drawing prepared by J.Wyndham Prince Pty Ltd Surveyors numbered 9434/03DA03 dated 15 July 2014.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

(b) At the issue of Subdivision Certificate and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined with Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of fire and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

(c) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

(d) Public road access shall comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

9 [A Special \(BLANK\)](#)

Prior to the commencement of any proposed works within the future regional park, the applicant must consult with National Parks and Wildlife Services and carry out appropriate environmental assessment.

10 [A Special \(BLANK\)](#)

The applicant shall provide and maintain at all times access to the future Regional Park as identified on the Bus Route and Bus Stop Plan Drawing No. WP V5 Busstop Issue D dated 08.10.14.

11 [A Special \(BLANK\)](#)

Prior to the issue of the Subdivision Certificate, the applicant shall submit details of boundary fencing details in accordance with the Landscape Strategy to Penrith City Council for approval.

12 [A special BLANK](#)

All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all demolition [*and construction*] works.

13 [A special BLANK](#)

Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

14 [A Special Condition \(BLANK\)](#)

Prior to the handover of GPTs, a Draft Operation and Maintenance manual for the proposed stormwater treatment measures shall be submitted to Council for approval. The manual should include details on the cleaning / maintenance requirements as well as provide an estimation on the annual and lifecycle costs associated with the proposed treatment measures.

15 [A Special Condition \(BLANK\)](#)

Erosion and sediment controls are to be applied in accordance with Appendix C of the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5SWMS 071014, dated 7 October 2014.

Demolition

16 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

17 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

18 [D002 - Spraygrass](#)

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

19 [D005 – No filling without prior approval \(may need to add D006\)](#)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

20 [D009 - Covering of waste storage area](#)

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

21 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

22 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall not be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

23 **D Special BLANK**

The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statement relating to the Western Precinct.

24 **D Special BLANK**

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained as identified on the Village 5 tree Plan prepared by Lend Lease. Tree protection measures are to be implemented as outlined in Australian Standard AS 4970-2009 'Protection of trees on development sites'.

25 D Special BLANK

Due to the lack of recent and detailed surveys within the Village 5 area, pre-clearance surveys are to be undertaken by a qualified ecologist for:

- Cumberland Plain Land Snail (*Meridolum corneoviens*)
- Aboreal mammals and birds
- Microbats
- Slender Rice-flower (*Pimelea spicata*)

Any Cumberland Plain Land Snails found are to be translocated to appropriate habitat within the Regional Park under the guidance of a qualified Ecologist.

If Microbats are found, tree removal is to be done once the bats have vacated the roost for the evening and prior to their return in the morning. This is to be done under the guidance of a qualified Ecologist.

If aboreal mammals or birds are found, the trees are to be felled and lowered to the ground slowly to allow any resident fauna time to escape/fly off and to ensure they aren't injured by the falling trees. This is to be done under the guidance of a qualified Ecologist.

If *Pimelea spicata* plants are identified on site, these are to be translocated into the Regional Park. This is to be done under the guidance of a qualified Ecologist.

26 D Special BLANK

The following plans are to be implemented in their entirety:

- The approved St Marys Macrofauna Management Plan (Cumberland Ecology, 2004);
- The Western Precinct Weed Management Plan (Cumberland Ecology, 2008);
- The Western Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);
- The Western Precinct Landscape Concept Plan (Environmental Partnership, 2009);
- Vegetation Management Plan for Riparian Corridors (Environmental Partnership, 2008).

27 D Special BLANK

Only the following species which are native to Cumberland Plain Woodland are to be used in the Bushland Interface area:

- *Eucalyptus crebra*
- *Eucalyptus sideroxylon*

Utility Services

28 G001 - Installation of services and Service Clearances (subdivision)

All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

Construction

29 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Roads Act Requirements

30 [I Special BLANK](#)

The applicant shall provide a Bicycle Warning sign type W8-200 in Road 1 at the approach to Road 6.

Engineering

31 [K101 - Works at no cost to Council](#)

All roadworks, stormwater works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

32 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road.

These works may include but are not limited to the following:

- Road opening for lead in public utility services
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

33 [K203 - Section 138 Roads Act \(roadworks requiring approval of civil drawings\)](#)

Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Penrith City Council (being the Roads Authority under the Roads Act), for the full replacement of kerb and gutter with laybacks and stormwater kerb outlet adaptors for the entire development frontage in Lakeside Parade.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plans prepared by J Wyndham Prince, reference number 9343/03, sheets DA01 - DA16, revision F, dated 02/10/2014 and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- The southern intersection of Road No 1 and Greenwood Parkway shall be designed to accommodate a 12.5m single unit truck in accordance with AS2890.2:2002
- Salinity measures are incorporated into the construction certificate drawings in accordance with the recommendations of the Salinity Review report by Geotech Testing, reference 7508/23-AA Final Revised, dated 8 March 2010 and the report by SKM on water, soil and infrastructure for the St Marys Project, Western Precinct, dated May 2009.
- Laybacks are provided on construction certificate drawings generally to align with the building envelope plan No WP V5 BEP, issue D, dated 08/10/2014. All laybacks are to be located a minimum of 6m from the tangent point of any kerb return at intersections in accordance with AS2890.1:2004. All laybacks are to be located a minimum of 1m from the lintel of any stormwater kerb inlet pit.
- The location of all bus stops and associated infrastructure has been indicated on construction certificate drawings.
- Shared path linemarking and signage is in accordance with relevant Australian Standards and Austroads Guidelines.
- All bicycle facilities are in accordance with relevant provisions of the RMS NSW Bicycle Guidelines and Austroads Guide to Engineering Practice - Part 14 Bicycles.
- Kerb inlet pits are not located within kerb returns.
- The type of Gross Pollutant Traps is approved by Penrith City Council.

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

35 [K206 - Road design criteria table](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Road Type	ESA
1, 2, 3, 4, 5, 6, 7 & 8	Local Street	5 x 10 ⁴

36 [K207 - Road Safety Audit](#)

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

37 [K209 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J Wyndham Prince, reference number 9343/03, sheets DA01 - DA16, revision F, dated 02/10/2014 and the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5 SWMS 071014, dated 7 October 2014.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Water Sensitive Urban Design Policy.

38 [K221 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

39 [K301 - Sediment & Erosion Control](#)

Prior to commencement of works, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

40 [K302 - Traffic Control Plan](#)

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

41 **K304 - Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

42 **K405 - Street Lighting**

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

43 **K407- Major Filling/ Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

44 **K408 - Soil testing - Subdivisions**

Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

45 **K501A - Completion of subdivision works**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

46 **K507 - Linemarking & Signage**

Prior to the issue of select a Subdivision Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.

47 **K510 - Street Naming**

Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Council's Street Naming Policy.

Notes:

1. Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for advice regarding the application process and applicable fees.
2. Allow eight (8) weeks for notification, advertising and approval.

48 [K511 - Bond for final wearing course](#)

Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Council (Consent will generally be provided when 80% of the housing within the subdivision has been completed).

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

49 [K513 - Maintenance Bond](#)

Prior to the issue of nominate a Subdivision Certificate, a maintenance bond is to be lodged with Penrith City Council for all subdivision works.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

50 **K514 - Subdivision Compliance documentation**

Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- g) Documentation for all road pavement materials used demonstrating compliance with Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.

51 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems, including the temporary on-site stormwater detention and erosion and sediment control system and flow paths from the basin outlet shall continue to be operated and maintained for the life of the development in accordance with Appendix C of the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5SWMS 071014, dated 7 October 2014. Maintenance shall continue until stormwater runoff from the development site is stabilised and conveyed to the ultimate water quality / stormwater detention system and the temporary system has been decommissioned. A minimum maintenance period of 36 months shall apply to the ultimate water quality / stormwater detention system and shall be maintained in accordance with the final operation and maintenance management plan.

52 **K Special Condition – Turf to Verge**

All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works.

53 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that pedestrian safety fencing and vehicular safety crash barriers are to be installed along the perimeter roads and retaining walls adjoining the regional park boundary in accordance with Austroads Guidelines.

54 **K Special Condition BLANK**

Seven (7) days prior to the commencement of works, a copy of the pavement design report is to be submitted to Penrith City Council.

Landscaping

55 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan Street Tree Plan Drawing No. WP V5 STP Sheet 1 to Sheet 3 Issue A dated 14.07.14, and Section 2.6 Landscape of the Penrith Development Control Plan 2006.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

56 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

57 **L003 - Report requirement**

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

58 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Section 2.6 Landscape of the Penrith Development Control Plan 2006.

59 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

60 **L007 - Tree protection measures—no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section 2.6 Landscape of the Penrith Development Control Plan 2006.

61 **L009 - Tree Preservation Order (subdivision)**

No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

Subdivision

62 **M001 - Prior to subdivision work (Applies to subdivision except strata)**

Work on the subdivision is not to commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

63 **M008 - Linen Plan**

Submission of the original Linen Plan and five (5) copies. The Linen Plan must indicate that:

- a) "It is intended to dedicate all new roads to the public as road"
- b) "It is intended to create Lot 5149 as a public reserve".

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

64 **M009 - 88B Instrument**

The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

- a) Easement for support—the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
- b) Residue Allotment - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
- c) other

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

Development Contributions

65 **N003 - Planning Agreements**

Prior to the issue of a Subdivision Certificate, a matrix table shall be submitted to and endorsed by Penrith City Council detailing any infrastructure works, development contributions and/or land dedications required as a result of this development consent pursuant to the St Marys Penrith Planning Agreement and St Marys (State) Development Agreement. All applicable infrastructure works, development contributions and/or land dedications shall be completed **prior to (or concurrently with, in the case of land dedications) the issue of a Subdivision Certificate** or as detailed in the endorsed matrix table.

Payment of Fees

66 **P001 - Costs**

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

67 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

68 [Q008 - Subdivision Certificate](#)

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

Appendix - Development Control Plan Compliance

Western Precinct

The proposed subdivision has demonstrated compliance with the Western Precinct Plan and Development Control Strategy in relation to

-
- urban structure and major land uses
- subdivision layout
- conservation of natural values
- water cycle and soils
- sustainability
- infrastructure and services
- street types.

Section 4.4 Subdivision Layout Principles

The proposed subdivision and public road is consistent with the principles of:

- Provide a variety of block sizes which in turn promote housing diversity and choice
- Provide a street pattern and short street length which is sympathetic to the surrounding street pattern which in turn improve connectivity and ease of movements for pedestrians, bicycles and vehicles
- The proposed local minor roads are designed in accordance with the requirements of the DCS and these roads are responsive to the scale of the subdivision and the volume of traffic to be generated
- 1.5m wide footpaths will be provided for ease of movement and walkability
- The proposed 3.8m verge on each side will allow space for street trees and landscape treatment

Section 4.5 Dwelling Density

The revised Dwelling Yield Plan adopted by Council on 9 May 2011 identifies a total of 225-275 dwellings to be construction in Village 5. The current proposal creating 244 residential lots plus of 3 dual occupancy lots is compliant.

The proposed 244 lots consists of a variety of allotment size ranging from 300m² to 851m² with a frontage width varying from 10m to 19.9m. The following table provides an assessment of the lot mix against Table 4-Residential Development Control in Part 5 - Development Control Strategy of the WPP.

Lot size (m ²)	No. of lots (% of lots)	Total No. of lots for Detached Dwellings (% of lots)	Table 4 – Residential Development Controls
270-500	221 (90.6%)	1,811(79.8%)	60-70%
501-999	23 (9.4%)	323 (14.2%)	20-25%
1000+	-	2 (0.09%)	1-2%
Integrated Housing		44 (1.9%)	-
Apartments		94 (4.1%)	-
Total		100%	-

The variation to Table 4 Section 5B Built Form Housing of the Development Control Strategy is a function of response to local housing demand and promote affordability. In recent meetings, the applicant has been advised to provide larger lots particularly the 1000+ allotments. The applicant has committed to provide larger lots in the future proposed Village 6 subdivision.

Clause 30(6) of SREP 30 states that to maximise the potential for public transport, walking and cycling to replace car travel, a minimum dwelling density of 15 dwellings per hectare is required. The proposed subdivision will achieve a density of 17.76 dwellings per hectare has exceeded this target.

Section 4.7 Access and Movement

A majority of Village 5 will be serviced by C2 Collector road with median and parking on both sides except for proposed Road No. 1 and Road No. 8 being L2 Pedestrian Priority Local Street with parking on both sides.

The Collector Road will have a 15.6m reserve, 8m carriageway and 3.8m verge on each side. Proposed Road No. 1 and Road No. 8 will have a 17.6m reserve, 8m carriageway and 4.8m verge on each side. These proposed roads are designed in accordance with the requirements of the DCS and they are sympathetic to the existing surrounding developments.

The applicant has submitted a Traffic Impact Assessment demonstrating the proposed road can accommodate the additional traffic to be generated by the proposed subdivision.

The Road Safety Audit recommends that the intersection with Road 5 includes a paved or different pavement finish as a traffic calming device. Subject to implementation of this recommendation, the proposed road system will satisfactorily minimise the potential road safety risks of the proposed subdivision.

A possible bus route is identified along Greenwood Parkway and Lakeside Parade with two (2) possible bus stops, one located to the northwest and one to the southwest corner of the site. This will ensure future residents in the locality are within an acceptable walking distance of a bus stop.

In this case, it is considered that the application has demonstrated compliance with the WPP and DCS and that the following principles can be achieved:

- Provide a hierarchy of roads that connect to the external road network and the adjoining precincts for access, employment and recreation purposes
- Balance the needs of pedestrians, cyclists, motorist and buses
- Reduce car use and promote public transport patronage

Section 4.8 Conservation of Natural Values

The SIS concluded that the existing vegetation is degraded and has low conservation value and therefore its value as a habitat for native fauna is considered to be low. In summary, the proposal requires removal of a small area of vegetation will be of minor consequence and is unlikely to result in any have any threatened species or ecological community becoming extinct. Mitigation measures will be implemented through protection and conservation of high quality native vegetation within the adjoining Regional Park.

Section 4.9 Landscape and Open Space Network

A Street Tree Plan is submitted with this application and the species are selected from the

approved street tree list. However, the proposal to use *Corymbia citrodora* (Lemon-scented Gum) in the Bushland Interface area is considered inappropriate. A special condition has been recommended replacing it with species which are native to Cumberland Plain Woodland. With regard to the request from Council's Waste Services Department for alternative street tree to improve presentation of bins, it is considered not necessary as all the trees on the approved Street Tree List are of similar width and generally street trees will be naturally pruned by trucks as they mature.

Section 4.10 Bushfire Measures

A Bushfire Assessment Report prepared by Eco Logical dated 13 December 2010 was submitted with the application. The Report has made recommendations for the provision of a 21m Asset Protection Zone to the north, east and southwest in order to achieve BAL-29 construction. The Report also recommends management of the open space to the south and precinct land to the west for a minimum distance of 100m so that an APZ or construction standards are not required. The Report will form part of the approval.

As stated earlier in the report, NSW Rural Fire Service has issued their Bush Fire Safety Authority on 5 September 2014.

Section 5B Built Form and Housing

The proposed lot width varying from 10m to 19.9m and proposed lot size varying from 300m² to 851m² are compliant with the requirements of the DCS (9m and 270m² minimum). The Building Envelope Plan has also demonstrated that the proposal lot size can support future development for detached housing. The plan of subdivision has also made provisions for access and maintenance for narrow allotments. The Building Envelope Plans have identified three (3) lots (Lot 5001, Lot 5209 and Lot 5242) as potential dual occupancy lots.